SEX OFFENDER RESIDENCY RESTRICTION ORDINANCE

for the Town of Georgetown, Maine

Adopted August30, 2020

1. Purpose:

The Town of Georgetown strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of its children to be of paramount importance. The Town of Georgetown recognizes its obligation to protect the health, safety and welfare of its children by prohibiting convicted sex offenders from residing in identified areas of town where there is a significant concentration of children. The Town of Georgetown recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding that certain persons convicted of sex offenses or sexually violent offenses are required to register with the state, the Town finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this ordinance is to provide such further protective measures, while balancing the interests and residential needs of sex offenders.

1. Authority:

This ordinance is adopted in accordance with the provisions of Title 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. §3014, as may be amended from time to time.

1. Definitions:

Setback: a 750 foot radius surrounding Restricted Property.The radius distance is measured from the property line of the Restricted Property that is closest to a Designated Sex Offender’s Residence.

Designated Sex Offender: An individual convicted of Class A, B or C sex offense(s) committed against person(s) who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction.

Residence: The temporary or permanent occupation or use of a place, including, but not limited to a domicile, for the purposes of living, residing or dwelling.

Restricted Property: The real property compromising (i) a public or private elementary, middle or secondary school; (ii) a municipally owned or state owned park, athletic field, or recreational facility that is open to the public where children are the primary users; or (iii) a municipally owned or state owned property that is leased to a nonprofit organization for the purpose of a park, athletic field or recreational facility that is open to the public where children are the primary users. Restricted Properties includes, without limitation, the following properties, which are subject to change: The Georgetown Central School; The Georgetown Community Center; The Richards Library; The Town Wharf, boat launches, trails and preserves; The Town Tennis Court; and any licensed and registered daycare facilities. The Town Clerk shall prepare and file in the clerk’s office, an official map showing Restricted Property as defined by this ordinance.The Town Clerk shall by July 1 of each year recommend updates to the map to the Select Board to reflect any changes in the locations of any Restricted Property and setbacks.All amended official maps shall be filed with the Town Clerk.

1. Restrictions: (i) Any person, who is a Designated Sex Offender, as defined above, shall not reside within the Setback of a Restricted Property. (ii) No property owner may lease, rent or allow residential use of real property by a Designated Sex Offender within the Setback of 750 feet from a Restricted Property.
2. Exceptions: (i) A Designated Sex Offender maintaining a residence within the Setback of Restricted Property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to the date of adoption of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property, is created, moved or enlarged which results in the Designated Sex Offender residing within the Setback as long as the residence was in place and consistently maintained prior thereto. (ii) A property owner leasing or renting a residence for use by a Designated Sex Offender within the radius of the Restricted Property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to the adoption of this ordinance. A property owner is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in the designated sex offender residing within the Setback as long as the residence was in place and consistently maintained prior thereto.
3. Violation, injunction relief and penalties:
4. A Designated Sex Offender who, thirty (30) days after written notice from the Town of Georgetown, either by certified mail or hand delivery by Sagadahoc County Sheriff’s Department, is in violation of Section 4 of this Ordinance shall be subject to an action brought by the Town to enforce the requirements of this Ordinance. The Town of Georgetown may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to state and local laws, including, without limitation, declaratory and injunctive relief.

The Town of Georgetown may also seek a penalty in the minimum amount of $500 per day, for each day of violation of this Ordinance after thirty (30) days. Each day of violation shall constitute a separate violation. In the event the Town of Georgetown is the prevailing party in any action under this Ordinance, it shall be entitled to an award of reasonable attorney’s fees, court costs and the costs of any expert witness fees incurred by the Town. All civil penalties shall insure to the benefit of the Town.

1. Property Owners who, thirty (30) days after receipt of written notice from the Town of Georgetown, either by certified mail or hand delivery by Sagadahoc County Sheriff’s Department, leases or rents any Residence to a Designated Sex Offender within the radius of the Restricted Property, shall be subject to an action brought by the Town of Georgetown in District or Superior Court to enforce the requirements of this Ordinance. The Town of Georgetown may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to state and local laws, including, without limitation, declaratory and injunctive relief.

The Town of Georgetown may also seek a penalty in the minimum amount of $500 per day, for each day of violation of this Ordinance after thirty (30) days. Each day of violation shall constitute a separate violation. In the event the Town of Georgetown is the prevailing party in any action under this Ordinance, it shall be entitled to an award of reasonable attorney’s fees, court costs and the costs of any expert witness fees incurred by the Town. All civil penalties shall be insured to the benefit of the Town.

1. Severability: If any section, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaininng portion of this ordinance.